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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/668,399
Filing Date: September 23, 2003
Appellant(s): LU ET AL.

Amy J. Pattillo
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed March 3, 2008 and supplemental brief filed July 18, 2008 appealing from the Office action mailed October 1, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2003/0036975	MARTIN ET AL.	2-2003
2002/0152239	BAUTISTA-LLOYD ET AL.	10-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-15 and 20-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. (US Patent Application Publication Number 2003/0036975, filed August 2, 2001) in view of Bautista-Lloyd et al. (hereinafter Bautista-Lloyd, US Patent Application Publication Number 2002/0152239, published on October 17, 2002).

Regarding independent claim 1, Martin discloses defining a target frame within a web page adapted to serve as a work area for performing programming logic, the programming logic being associated with an action that is controlled by a trigger event and that targets the target frame (page 5, paragraph 0058-page 6, paragraph 0063 of Martin). Martin discloses that the logic is adapted specify the selected frames among a plurality of frames of the web page, not including the target frame, and reload only the selected frames regardless of their membership in framesets used to create the web page (page 5, paragraph 0058-page 6, paragraph 0063 of Martin). Martin does not disclose that at least one of the frames of the visible frameset that does not need to be refreshed is not included in the reload process. However, Bautista-Lloyd discloses selectively updating only the frames that need to be updated, thus excluding any frame in the visible frameset that does not need to be reloaded (page 1, paragraph 0007 of Bautista-Lloyd). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Martin with the teachings of

Bautista-Lloyd because it would have decreased the server load and network bandwidth by selectively updating only the frames that need to be updated.

Regarding dependent claim 2, Martin discloses that the web page is dynamic in nature and the content of the frames needs to be updated on reloading and refreshing (page 6, paragraph 0062 of Martin).

Regarding dependent claim 3, Martin does not disclose in response to a trigger event collecting and passing data in the form of a request to web server, to which a response of a script and the necessary data is passed back to the client and the script is executed to reload the selected frames properly. However, Bautista-Lloyd discloses in response to a trigger event collecting and passing data in the form of a request to web server, to which a response of a script and the necessary data is passed back to the client and the script is executed to reload the selected frames properly (page 4, paragraphs 0034-0037 of Bautista-Lloyd). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Martin with the teachings of Bautista-Lloyd because it would have decreased the server load and network bandwidth by selectively updating only the frames that need to be updated.

Regarding dependent claim 4, Martin discloses defining a frame of 0 rows and 0 columns at an edge of the web page (page 5, paragraph 0058-page 6, paragraph 0063 of Martin, the hidden updater frame is hidden so it has 0 rows and 0 columns).

Regarding dependent claim 5, Martin discloses using a first frameset tag in the web page to partition the web page into a main frameset comprising a plurality of

frames, and a separate target frame having the null dimension (page 5, paragraph 0058-page 6, paragraph 0063 of Martin).

Regarding dependent claim 6, Martin discloses reloading only the selected frames of the web page in dependence on a predefined set of conditions (page 5, paragraph 0058-page 6, paragraph 0063 of Martin).

Regarding dependent claim 7, Martin discloses accessing server-side functions in dependence on a predefined set of conditions, wherein the server-side functions return the programmed logic for directing client-side reloading of only the selected frames (page 5, paragraph 0058-page 6, paragraph 0063 of Martin).

Regarding dependent claim 8, Martin discloses associating said action with a link to a dynamic uniform resource locator, wherein said dynamic uniform resource locator directs access to said server-side functions (page 5, paragraph 0058-page 6, paragraph 0063 of Martin, a URL is provided since a webpage is being updated and a database is accessed to retrieve updated information).

Regarding dependent claim 9, Martin discloses providing a dynamic server page link (page 5, paragraph 0058-page 6, paragraph 0063 of Martin, a link is provided to the dynamic database so that information is retrieved from the database when an update has occurred).

Regarding independent claim 10 and dependent claims 11-13, the claims incorporate substantially similar subject matter as claims 1-4. Thus, the claims are rejected along the same rationale as claims 1-4.

Regarding dependent claim 14, Martin discloses the trigger comprises one of a link and a form that has the script as an action attribute and the target frame as a target attribute (page 5, paragraph 0058-page 6, paragraph 0063 of Martin).

Regarding dependent claim 15, Martin discloses the action attribute comprises a uniform resource locator (url) of a dynamic web page that includes the script and effects the downloading of the dynamic web page to the target frame, and the script with rendering information provides a set of instructions that include instructions for reloading only the respective selected frames, regardless of respective membership of the selected frames in framesets of the web page (page 5, paragraph 0058-page 6, paragraph 0063 of Martin, a URL is provided since a webpage is being updated and a database is accessed to retrieve updated information).

Regarding independent claim 20 and dependent claims 21, 22, 25, and 26, the claims incorporate substantially similar subject matter as claims 1-3. Thus, the claims are rejected along the same rationale as claims 1-3.

Regarding dependent claim 23, Martin discloses the action is an attribute of one of the link and a form, and the event is a corresponding one of a selection of the link, and a submission of the form (page 5, paragraph 0058-page 6, paragraph 0063 of Martin, when the timer runs out and the Boolean flag is set to true, the link to the database is selected so that the information is retrieved and updated on the webpage).

Regarding dependent claim 24, Martin discloses the one of the link and the form has a target attribute set to the target frame (page 5, paragraph 0058-page 6, paragraph 0063 of Martin, the target attribute is set to the hidden updater frame

because when the timer runs out and the Boolean flag is set to true, the webpage is updated).

(10) Response to Argument

Regarding the appellant's arguments found on pages 11-13, in reference to the believed deficiencies of the Martin reference in terms of the rejection, which culminate in the statement found on page 13, lines 15-20, the examiner respectfully disagrees. The appellant asserts that Martin does not teaching "programmed logic that is further adapted to specify the selected frames to reload." As the examiner stated in the rejection, Martin discloses that the logic is adapted to specify the selected frames among a plurality of frames of the web page, not including the target frame, and reload only the selected frames regardless of their membership in framesets used to create the web page (page 5, paragraph 0058-page 6, paragraph 0063 of Martin). In the case of the example show in Martin, the selected frames to reload are the remaining frames not including the hidden frame of the page. The appellant has confirmed this interpretation of the Martin reference on page 13, lines 17-20, stating, "...merely describes that if data at a server has changed, then the remaining frames of the page are reloaded." Thus, the examiner believes that the statement made in the rejection is proper based on a factual interpretation of the Martin reference. The claimed limitation in question actually states, "...programmed logic being adapted to specify the selected frames not including at least on frame to avoid reloading from among the plurality of frames of the main frameset," (emphasis added) which the examiner believes is the cause necessitating

the combination of references for an obviousness rejection instead of an anticipation rejection. The Martin reference does not explicitly state that the selected frames do not include a frame from among the main frameset, which the examiner has clearly stated in the rejection being appealed. In response to appellant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Thus, in the case of the current rejection it would be necessary to show a deficiency in the combination of the teachings of the Martin and Bautista-Lloyd references in order to overcome the rejection, rather than arguing what the examiner has already admitted that the Martin reference does not disclose.

Regarding the appellant's arguments found on pages 13-15, in reference to the believed deficiencies of the Bautista-Lloyd reference in terms of the rejection, which culminate in the statement found on page 14, lines 20-27, the examiner respectfully disagrees. The appellant asserts that Bautista-Lloyd reference contains a clear difference from the Martin reference due to the idea that the updates of Bautista-Lloyd are delivered to a specific frame which is not commensurate with the claimed limitation. However, it is important to note that the examiner has never stated or argued that the teachings of the Bautista-Lloyd reference explicitly state the exact limitations of the claimed invention. Again, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091,

231 USPQ 375 (Fed. Cir. 1986). In addition to this, Bautista-Lloyd actually teaches that one singular request is made to access updates for the frames in the page (page 5, paragraph 0042), which is in direct contradiction to the description of the functionality of the Bautista-Lloyd system. As it was previously stated above, the Martin reference does not explicitly state that the selected frames do not include a frame from among the main frameset, however the Bautista-Lloyd reference teaches that in a system for updating web pages it would be advantageous to selectively update only the frames that need to be updated, thus excluding any frame in the visible frameset that does not need to be reloaded (page 1, paragraph 0007 of Bautista-Lloyd). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Martin for a system for updating web pages including frames with the teachings of Bautista-Lloyd to selectively update only the frames that need to be updated.

The appellant goes on to argue on pages 15-16 that the combination of the teachings of Martin with the teachings of Bautista-Lloyd lacks motivation and would not have been obvious to one of ordinary skill in the art at the time the invention was made. However, the Bautista-Lloyd reference is very clear on the fact that by limiting the updating to only the data that explicitly needs updating it would have decreased the server load and network bandwidth (page 5, paragraphs 0041-0042 of Bautista-Lloyd), which clearly provides a motivation to improve the teachings of Martin with the teachings of the Bautista-Lloyd reference.

Regarding the appellant's arguments found on pages 16-17, in reference to independent claims 10 and 20 and dependent claims 2-9, 11-15, and 21-26, the appellant has provided no new arguments, rather the appellant has asserted that the rejection is improper for the same reasons as the rejection of claim 1. Thus, the examiner's responses found above provide a basis for upholding the rejections of claims 2-15 and 20-26.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Joshua D Campbell/

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